

JUL - 1 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Isaac Palmer, Vice President
Ogden Services Corporation
Two Pennsylvania Plaza
New York, NY 10121

Re: Request for Information Pursuant to 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Operable Unit 2

Dear Mr. Palmer:

The United States Environmental Protection Agency ("EPA") has reviewed your response, dated February 15, 1995, to our initial "Request for Information", which was dated January 26, 1995. As we indicated in our Second Request for Information, dated November 14, 1995, EPA believes that your response was not adequate. From your February 1995 response, it is clear that you have information with regard to the operation of Barth Smelting & Refining by Ogden Alloys, information on Ogden Services Corporation, and a Sales Agreement between Ogden Alloys and North American Smelting Company. Further, as indicated in our November 1995 letter to you, it appears that you have not performed a complete investigation to identify additional information. This investigation would include consulting with current and former employees of Ogden Alloys and Barth Smelting & Refining.

Insofar as EPA as not yet received a response to this Second Request for Information, EPA is retransmitting it to you. As with the earlier Requests, EPA transmits this to you pursuant to Section 104 of CERCLA, 42 U.S.C. §9604. You must answer the questions in Attachment A of this letter and include documents supporting your responses. The "Certification of Answers to Request for Information," must be attached to your response with your notarized signature. In preparing your response to this "Request for Information," please follow the instructions provided in Attachment B.

Your response to this "Request for Information" should be postmarked or received by EPA within 30 calendar days of your receipt of this letter. Your response should be mailed to:

ORCA
WAGNER
5/27/97

ORCA
KARLEN
5/27/97

ERRD
EVANGELISTA
5/27/97

ERRD
HAUPTMAN
6/27/97

ERRD
MACRE
6/27/97

ERRD
CASPE
7/1/97

854270001

Mr. Pat Evangelista
Emergency & Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, New York 10007-1866

with a copy to Ms. Amelia Wagner, Assistant Regional Counsel, Office of Regional Counsel, on the 17th floor at the same address.

Please note that your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). An enforcement action may include the assessment of penalties of up to \$25,000 for each day of continued noncompliance.

Be further advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submittal of your response should later become known or available. If you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

You may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. § 9604(e)(7)(E), and must be asserted at the time of submittal, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions concerning this "Request for Information," please contact Mr. Evangelista of my staff, at (212) 637-4403 or Ms. Wagner at (212) 637-3141. Inquiries from attorneys should be directed to Ms. Wagner.

Sincerely yours,

Richard L. Caspe, Director
Emergency and Remedial Response Division

Attachments

854270002

UNITED STATES POSTAL SERVICE



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• Print your name, address, and ZIP Code in this box •

U.S. Environ... Agency
Regional
Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway 17th Floor
New York, New York 10007-1866
Attn: Amelia Wagner

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Isaac Palmer
Vice President
Ogden Services Corp.
Two Pennsylvania Plaza
New York, NY 10121

4a. Article Number

2136 606 049

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

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[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

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